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SCA CS submissions
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NZ Sport Fishing Council submission on the TAC review for the Coromandel Scallop fishery (SCA CS)

NZ Sport Fishing Council

1. The New Zealand Sport Fishing Council appreciates the opportunity to submit feedback on the Total Allowable Catch (TAC) review for the Coromandel Scallop fishery. The Ministry for Primary Industries (MPI) released their proposals on 20 December 2012, with submissions due by 8 February 2013.
2. NZSFC representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Roz Nelson, secretary@nzsportfishing.org.nz.
3. The New Zealand Sport Fishing Council is a National Sports Organisation with over 32,000 affiliated members from 56 clubs nationwide. Scallops are highly valued by Council members and our supporters, and they are harvested to feed family and friends.
4. Scallops must be abundant to enable us to provide for our social, economic and cultural wellbeing, and be sustainable to meet the reasonably foreseeable needs of future generations, as per section 8(2)(a & b) of the Fisheries Act 1996.
5. The New Zealand Sport Fishing Council is committed to ensuring that sustainability measures and management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996. A precautionary approach needs to be taken in this highly variable fishery that has such uncertain and incomplete information.

NZSFC recommendations

- That the Minister retains the current commercial catch levels in the Coromandel Scallop fishery until there is better understanding of the abundance and available biomass in the new 2W Hauraki Gulf beds.
- That the Minister retains the annual abundance surveys in the Coromandel Scallop fishery as they enable some level of stock monitoring in this highly variable fishery.
- That MPI work with stakeholders to develop harvest strategies, including target and reference levels, and implement programmes to effectively monitor then regulate commercial fishing effort in the Coromandel Scallop fishery.
- That the Minister increases the baseline allowances for non-commercial fishing interests in the Coromandel Scallop fishery, to ensure all potential mortality remains within the TAC and to improve the management regime.

Summary of proposals

Table 1: Proposed TACs, TACCs and allowances for SCA CS

Option	Allowances				Other sources of fishing related mortality (t)
	TAC (t)	TACC (t)	Māori Customary (t)	Recreational (t)	
Option 1 (Status Quo)	48	22	7.5	7.5	11
Option 2	96	65	10	10	11
Option 3	131	100	10	10	11

6. MPI advise Options 1 and 2 retain the ability to implement an in-season increase “*if the fishery is considered to support a higher TAC in any given year*”.
7. MPI prefer an increased TAC/TACC with no increase in the current allowance for other mortality, but do not specify Option 2 or 3. Industry prefers Option 3. The NZSFC prefers the Minister retains the existing Total Allowable Commercial Catch (TACC) and the annual Total Allowable Catch (TAC) review, while increasing the baseline allowances from 7.5 to 15 tonnes (t) for non-commercial fishing interests.
8. The NZSFC consider the current proposals benefit commercial interests, MPI and the Minister, to the detriment of non-commercial interests in the Coromandel Scallop fishery.
9. Benefits for industry include increased quota allocations and reduced costs associated with annual surveys and management.
10. Benefits for MPI and the Minister are reduced costs associated with annual surveys, subsequent consultation and management. The downside of less MPI involvement in the Coromandel Scallop fishery is that it could hasten the move to a more commercially dominated fishery, an outcome unlikely to benefit recreational interests.
11. The proposed increase of 2.5 tonnes in the overall recreational allowance, in Options 2 and 3, will not have a direct benefit for recreational fishers as no daily bag limit increase is proposed.

Preliminary input

12. Some stakeholders were asked for input into the management options to be included in the Initial Position Paper (IPP). On 7 December 2012 the New Zealand Sport Fishing Council (NZSFC) was invited to comment on the options by 17 December. NZSFC did not have the resources to provide feedback by the MPI deadline. MPI did not receive any specific feedback from iwi.
13. The NZSFC was not advised of, nor invited to submit to, the in-season TAC increase process managed by MPI in 2012. The Minister for Primary Industries, David Carter, approved an increase for the 2012-13 fishing year. The TAC was increased from 48 t to 370 t. The commercial catch limit, in the form of Annual Catch Entitlement (ACE), was increased from 22 t to 325 t. It is difficult to find a more reckless response to the discovery of new scallop grounds; effectively moving from discovery to destruction as swiftly as possible for fear that natural mortality will ‘waste’ some scallops. The industry has neither the processing capacity nor markets for such a sudden and huge increase in scallops coming ashore.
14. Exclusion from the 2012 consultation process was detrimental to our members and supporters’ interests. The New Zealand Sport Fishing Council is determined to be included in future management processes regarding this important fishery.

15. The NZSFC notes that MPI and stakeholders have not agreed on any specific harvest strategies, including target and reference levels, for the Coromandel Scallop fishery. This needs to be a priority before any changes are made to the management structure underpinning this fishery.

Management controls

Current management

16. Since 2007 the recreational harvest season has been from 1 September to 31 March. A 100mm Minimum Legal Size (MLS) applies to scallops harvested by recreational fishers. The recreational daily bag limit is 20 per person. Since 2005 a diver may take a daily bag limit for up to two safety people on board the accompanying dive vessel.
17. The commercial season in the Coromandel Scallop fishery is from 15 July to 21 December. Around seven commercial vessels operate in this fishery and there are 10 quota holders. Since 1995 a 90mm MLS has applied to commercial take.
18. The Coromandel Scallop Fishermen's Association (CSFA) has implemented a voluntary management strategy, the Catch Per Unit of Effort CPUE-limit rule. This rule has been in place for three years and applies to all seven vessels operating in the fishery.
19. The CPUE limit rule requires that when a specified, lower CPUE limit of scallops has been reached, there is no more fishing within that area for the remainder of the season.
20. The 90mm MLS that applies to commercially taken scallops is justified on the grounds that a large portion of 90-100mm scallops are damaged when landed on board for sorting. To save discard mortality it was decided to reduce the original 100mm MLS to allow these fish to be retained and included as part of the landed catch. This begs the question what separates commercial and non-commercial fishers in this respect, and what then becomes of the 85-90mm scallops?
21. The New Zealand Sport Fishing Council advocate that a more environmentally responsible and modern response is to insist that fish are selected on the seafloor in such a manner that enables sub-legal fish to escape without injury.
22. The scallop industry escapes meeting contemporary environmental standards and continues to use Victorian designed box dredges that plow the seafloor to the cost of all benthic life. The result appears to be continuing the destruction of scallop beds; as illustrated by the maps in the *State of the Gulf* report showing how scallop beds in the Coromandel fishery have an unbroken trend of becoming smaller and smaller over time.

Abundance

23. Scallops are highly productive and biomass can vary a lot between, and within, years. Because of this high variability the SCA CS fishery undergoes an annual survey to estimate the size of the fishery and available biomass for harvest. Using those estimates MPI then propose an in-season increase to the TAC and the amount of Annual Catch Entitlement (ACE) to be made available to commercial fishers for that season. At the end of the season the TAC reverts to the original limits – 48 t TAC and 22 t TACC. This in-season process is enabled, as Scallops are included on the Second Schedule of the Fisheries Act 1996.
24. MPI and industry evenly share the cost of the annual survey, typically \$100,000 pa. There are indirect costs associated with the in-season review process, including those for consultation. These latest proposals seek to reduce costs for both industry and the Ministry for Primary Industries.

25. MPI acknowledge the variability of abundance and have indicated they have “*some confidence about biomass levels over the next two years*”. They also acknowledge that it is likely that abundance will decline “*at some point in the future*”.
26. To save less than \$100k pa the Ministry propose to grant quota rights to commercial interests, rather than just increasing the amount of ACE available in this important fishery for the next two years. ACE is only valid for one fishing season. History has taught us that quota is for much longer, and we know how hard commercial interests fight to retain those rights once granted!
27. The discovery of new 2W beds, in deeper water in the Hauraki Gulf, seems to be contributing the bulk of biomass and confidence to permanently increase the TAC and TACC.
28. An alternative, less risky strategy is for the Minister to retain the existing in-season survey/TAC increase process for a set period to better determine if this bed is viable and truly able to contribute to the available scallop biomass for more than two years.
29. It is vitally important the annual surveys are retained as they are the only form of stock monitoring in this important fishery, and because:
 - a. Recruitment of scallops is highly variable between years;
 - b. Abundance of scallops varies between and within years;
 - c. MPI acknowledge that estimates of biomass and yield may have been overestimated in past surveys;
 - d. Commercial fishing effort has not been constrained by high catch limits since 2006-07;
 - e. Commercial fishers continue to use Victorian box dredges that have a high impact on the seabed and fishery. Incidental mortality is estimated to be around 34%. Dredging has an quantified detrimental impact on recruitment;
 - f. The Coromandel Scallop fishery has long suffered from serial depletion, where a bed is discovered, heavily exploited and left highly modified as commercial fishers move on to another bed; and
 - g. Biotoxin closures in in large areas of SCA CS can concentrate fishing effort.

SCA CS survey data

30. There is no survey data provided in this year’s IPP to enable independent analysis of the information underpinning the recommended TAC increases. This data, including results from each scallop bed, has been provided in previous years and is very useful.
31. The most recent stock information is derived from a biomass survey conducted in April-May 2012. As noted, these surveys are 50% paid by MPI so ought to be available to the public. Making this information available will demonstrate MPI’s willingness to conduct a transparent process where all submitters have access to the same information.
32. **THE NZSFC REQUESTS** electronic and hard copies of the data collected during the most recent survey of the Coromandel Scallop fishery.

CPUE limit rule

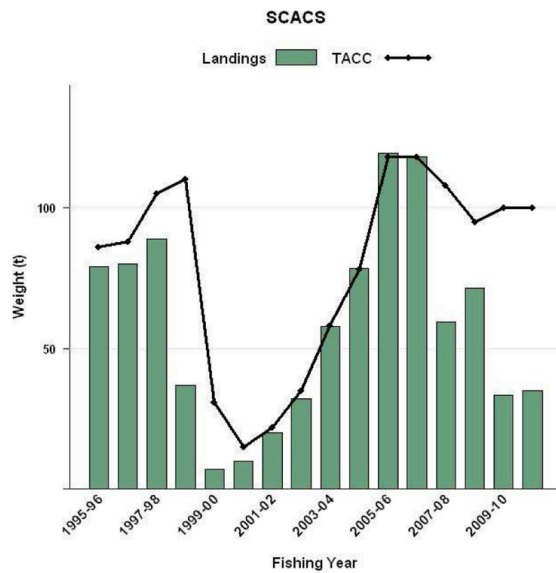
33. MPI advise this TAC review is appropriate given the potential increased abundance in the fishery for the next two years, and to take into account the implementation of the voluntary Catch Per Unit of Effort (CPUE) limit rule, by the Coromandel Scallop Fishermen’s Association (CSFA).

34. The NZSFC acknowledges that this strategy offers a form of in-season monitoring. MPI and CSFA are currently “*evaluating the strategy as an alternative approach to survey-dependent management and in-season TAC adjustments*”.
35. The New Zealand Sport Fishing Council objects to any outcome that results in management be dependent on unvalidated industry-only supplied data. An independent data source must be maintained so that the Minister can use ‘best available information’ when making management decisions.
36. Fisheries are public property therefore the Minister must ensure that stock monitoring and evaluation remains a public process, to enable input and participation by non-commercial interests.
37. The Minister must be made aware of the social and cultural value of this fishery to the public, and not be lured into handing management inputs over to commercial interests only.
38. **THE NZSFC REQUESTS** electronic and hard copies of the CPUE limit rule programme, including details of the data collection, analysis and operation in the Coromandel Scallop fishery.

Commercial landings

39. Last year the Minister approved for the 2012-13 fishing year an in-season TAC of 370 t and a commercial catch limit increase from 22 to 325 t.
40. The 325 t in-season increase was granted even though industry advised both MPI and the Minister that season landings were only expected to reach 150 t. Despite this warning, MPI recommended to the Minister that, “*you allocate the full TAC regardless of how ACE holders may eventually use that ACE*”. And he did.
41. Clearly MPI want to take a hands-off approach to managing the Coromandel Scallop fishery. Commercial fishing effort is not being constrained by setting such a high catch limit. This is a major concern for non-commercial interests because of the high mortality rate, around 34%, associated with commercial dredging for scallops. And that commercial fishers can harvest 90mm scallops while recreational fishers are limited to 100mm scallops and individual daily bag limits.
42. MPI argue the TAC was set when stocks had been depleted by disease and that the TAC has not been reviewed for 10 years, except through in-season increases. They now propose to increase the TACC by 295% (Option 2), or 454% (Option 3).
43. The NZSFC is concerned that the proposed increases are unlikely to constrain future commercial fishing effort in average to poor years. For example, the last time commercial catch reached the specified catch limit was in the 2006-07 fishing year. (Refer Figure 1).
44. MPI argue that, “*for the past three years landings have been constrained by processing capacity and/or by operation of the CPUE limit rule*”. No information has been provided as to what that ‘limit’ has been over the past three years, or what it might be in the future. Without knowing the actual ‘limit’ figures, we can only assume that the fishery needed to be abandoned due to poor catch rates.

Figure 1: Landings and catch limits for SCA CS from 2002-03 to 2009-10. TACC refers to catch limit, and Weight refers to Meatweight.



Note: Catch limits are specified in meatweight i.e. muscle and roe, as opposed to greenweight, which includes the shell.

Other mortality allowance

45. It is the statutory duty of the Minister to set aside an allowance for other sources of mortality caused by fishing. [s21, Fisheries Act 1996]
46. Currently the allowance for other mortality is 11 t of a 48 t TAC. This represents 22% of the TAC. An 11 t allowance for other mortality is retained in Options 2 (11%) and 3 (8%).
47. The NZSFC is concerned at this percentage reduction in allowance for other mortality while enabling higher catch rates. This is particularly concerning given that incidental mortality has previously been estimated to be up to 34%. MPI advise that recent studies indicate mortality rates may be lower, but biomass and yield may have been overestimated in the past.
48. MPI advise in the current IPP that, *“incidental damage during commercial dredging is allowed for in the CAY [Current Annual Yield] estimates used for the fishery”*.
49. However, in the 2012 SCA CS Final Advice Paper, MPI advised the Minister that, *“while CAY estimates may partially take into account fishing-related mortality, you are required to allow for fishing-related mortality when setting a TAC”*. At the time they advised the Minister to increase the other mortality allowance from 11 to 25 t, if he was going to increase the TAC from 48 to 370 tonnes.
50. The NZSFC would appreciate clarification on which of these two statements above is true.
51. **THE NZSFC REQUESTS** electronic and hard copies of the recent studies on incidental mortality.

Non-commercial allowances

52. It is the statutory duty of the Minister to ‘allow for’ non-commercial fishing interests in that stock, both Maori customary and recreational. He does this by setting aside an allowance, described as a tonnage. [s21, Fisheries Act 1996]

53. The NZSFC acknowledge that non-commercial harvest is likely to vary with abundance. Within this Coromandel Scallop review process the allowances are generally increased when the TAC increases, and reverts to the baseline allowance levels on 30 March the following year.
54. The NZSFC submit that the Minister increases the baseline allowances from 7.5 to 15 tonnes for non-commercial fishing interests. Doing this would negate the expenses associated with reviewing the Maori customary and recreational allowances every year.
55. A baseline allowance increase will also recognise that:
- a. Overall harvest has increased –
 - i. Since the 2005 management changes to enable a bag limit to be taken for up to two safety people onboard,
 - ii. Due to the amendment that now allows ‘shucking’ at sea by boat-based people,
 - iii. Due to the 6-week shift of the recreational season opening date, improving access to better conditioned scallops during daylight saving hours;
 - b. The population with access to the Coromandel Scallop fishery has increased markedly since 1992/93, when the 7.5 t allowance was made;
 - c. New recreational harvest estimates will be available soon. Early indications suggest harvest levels could be almost double the current allowance. The Minister needs to use the best available information when setting the new allowance.
 - d. A 15 t allowance is likely to be the maximum harvest level in any given fishing year and reduces the risk of exceeding the TAC; and
 - e. This will meet the Minister’s lawful duty to allow for *all* mortality, as per s21 of the Act.
56. A recurring theme in MPI documents is the reference to highly uncertain estimates of recreational and customary catch. Clearly the 13 Customary permits issued in the past year do not reflect tangata whenua’s interests in this important fishery.
57. Realistically, we will probably never be able to predict future levels of non-commercial harvest in the Coromandel Scallop fishery.
58. However, this uncertainty merely highlights the need for the Minister to meet his obligation to ‘allow for’ our non-commercial fishing interests, by managing the fishery in a manner that ensures (as much as possible) that those scallops are accessible and available to non-commercial fishers.
59. As noted by the Courts, these non-commercial interests can be assessed by conducting a thorough consultation process that enables evaluation of both the quantitative and qualitative elements of people’s wellbeing, when setting the TAC and allowances.

Recreational bag limits

60. There are mixed and strong views on whether the individual daily bag limit ought to be increased in the Coromandel Scallop fishery.
61. Until consultation on this issue is completed, the NZSFC submit that the most meaningful gain would be to:
- a. Increase the baseline allowance for all non-commercial fishing interests; and
 - b. Ensure the new baseline is retained after 30 March each year.

Hauraki Gulf Marine Park Act

62. The main Coromandel Scallop beds are within the Hauraki Gulf Marine Park boundaries. When setting the TAC the Minister is required, under s11(2)(c) of the Fisheries Act 1996, to have *particular regard* to

sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000. These sections recognise the Hauraki Gulf's national significance, the wellbeing of people, and the protection and enhancement of natural resources, including kaimoana, within the Park.

63. The New Zealand Sport Fishing Council encourage MPI to work with other agencies that are responsible for activities with and around the Hauraki Gulf, to improve the potential of the Gulf and for the benefit of the environment and the communities that access those waters.

Previous NZSFC submissions

64. 2010 – Submission on the review of the Total Allowable Catch (TAC) for the Coromandel Scallop fishery, for the 2010 fishing year.
- 2007 – Submission on the proposal to review the TAC for the Coromandel Scallop fishery, for the 2007 fishing year.